

**IN THE CLAIMS:**

Cancel claims 1 and 2 without prejudice or disclaimer.

Please amend the claims and add new claims 8-14 as shown in the below LISTING OF CLAIMS:

Claims 1 and 2 (cancelled)

Claim 3 (currently amended): A process for the preparation of the functionalized silica, said functionalized silica having at least one functional group fixed on the surface of said silica, the group being selected from the group consisting of 3-methacryloxypropylsilyl, glycidyloxypropylsilyl and mixtures thereof ~~according to Claim 1~~, said method comprising spraying a silica optionally first with water or dilute acid and then with a surface modification reagent or a mixture of surface modification reagents in a mixing vessel, with intensive mixing, optionally re-mixing said silica for 15 to 30 minutes and heating at a temperature of 100 to 400 °C over a period of 1 to 6 h.

Claim 4 (original): The process according to Claim 3 wherein the surface modification agent is a member selected from the group consisting of 3-methacryltrialkoxysilane, glycidyltrialkoxysilane and mixtures thereof.

Claim 5 (currently amended): A surface coating with a coating containing the functionalized silica according to Claim ~~1~~ 8.

Claim 6 (currently amended): A coating composition comprising the functionalized silica of Claim ~~1~~ 8 and a solvent.

Claim 7 (currently amended): A coating composition for preparing a scratch resistant coating on a surface, comprising the functionalized silica according to Claim 1 and 8 and a polyurethane.

Claim 8 (new): A functionalized silica, having at least one functional group fixed on the surface of said silica, the group being selected from the group consisting of 3-methacryloxypropylsilyl, glycidyloxypropylsilyl and mixtures thereof;

wherein the silica is produced by flame hydrolysis; and

wherein the functionalized silica is prepared by a process comprising:

optionally spraying the silica with water or dilute acid, then

spraying with a surface modification reagent or a mixture of surface modification reagents in a mixing vessel,

mixing the silica and the surface modification reagent(s),

optionally re-mixing the silica and the surface modification reagent(s) for 15 to 30 minutes, and

heating the silica and the surface modification reagent(s) at a temperature of 100 to 400 °C over a period of 1 to 6 h.

Claim 9 (new): A process for the preparation of functionalized silica, said functionalized silica having at least one functional group fixed on the surface of said silica, the group being selected from the group consisting of 3-methacryloxypropylsilyl, glycidyloxypropylsilyl and mixtures thereof, said method consisting of:

optionally spraying the silica with water or dilute acid, then

spraying with a surface modification reagent or a mixture of surface modification reagents in a mixing vessel,

mixing the silica and the surface modification reagent(s),

optionally re-mixing the silica and the surface modification reagent(s) for 15 to 30 minutes, and

heating the silica and the surface modification reagent(s) at a temperature of 100 to 400 °C over a period of 1 to 6 h.

Claim 10 (new): A functionalized silica, having at least one functional group fixed on the surface of said silica, the group being selected from the group consisting of 3-methacryloxypropylsilyl, glycidyloxypropylsilyl and mixtures thereof;

wherein the silica is produced by flame hydrolysis; and

wherein the functionalized silica is prepared by a process consisting of:

optionally spraying the silica with water or dilute acid, then

spraying with a surface modification reagent or a mixture of surface modification reagents in a mixing vessel,

mixing the silica and the surface modification reagent(s),

optionally re-mixing the silica and the surface modification reagent(s) for 15 to 30 minutes, and

heating the silica and the surface modification reagent(s) at a temperature of 100 to 400 °C over a period of 1 to 6 h.

Claim 11 (new): The process according to Claim 9 wherein the surface modification agent is a member selected from the group consisting of 3-methacryltrialkoxysilane, glycidyltrialkoxysilane and mixtures thereof.

Claim 12 (new): A surface coating with a coating containing the functionalized silica according to Claim 10.

Claim 13 (new): A coating composition comprising the functionalized silica of Claim 10 and a solvent.

Claim 14 (new): A coating composition for preparing a scratch resistant coating on a surface, comprising the functionalized silica according to Claim 10 and a polyurethane.